



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 9, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Xavier Garcia
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director Leacroft E. Robinson
Elderly Services Director Karen Rosson
City Clerk Magalí Valls

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation Regarding Renovation Plans of the Miami Springs Public Library by Julio Castro, Library Capital Development Coordinator

Julio Castro, Library Capital Development Coordinator, stated that the contract for the construction project is about to be awarded and construction is expected to begin in July.

Mr. Castro explained that the project was originally expected to begin in July 2007 and when the library was dismantled in preparation of the construction they discovered several problems. The roof and air conditioning had not been taken into consideration, and rather than closing the library, they opted to redesign the systems and open up the public area of the library to make it more comfortable.

Mr. Castro said that the building was leased at 700 South Royal Poinciana Boulevard for the purpose of continuing service to the community and they felt that it was better to provide the temporary location rather than a book mobile service. He stated that discussions would take place with the City officials about mobilizing and staging the work that is expected to begin in July and completed in April 2009.

Mr. Castro displayed several renderings of the library showing how it is expected to look after the renovation. He explained that the new windows and doors would be hurricane protected glass and the facility will be fully ADA compliant. The existing 1950's building will have more windows to bring the outside in with colors reflecting nature and more open space.

Mayor Bain thanked Mr. Castro for his presentation and Miami Springs' resident Martin Crossland for contacting the library officials.

Councilman Best asked if the County had a plan in place at the time the library was closed.

Mr. Castro responded that the County was in the process of completing the design for the building and about to begin permitting when the library was vacated. Since the roof and air conditioning system had problems they were redesigned and brought into the project and they also redesigned the interior to increase the public area. Since that time, they have been searching for a general contractor and are about to award the contract within the next couple of weeks.

To answer Councilman Best's question, Mr. Castro explained that the library would have computers on the table, they will lend out laptop computers and the building will be fully wireless.

3B) Presentation of Pioneer Resident Awards to Arline Rodberg Paul and Vernon O'Neal Paul, Jr.

Mayor Bain presented individual Pioneer Resident awards to Arline Rodberg Paul and Vernon O'Neal Paul, Jr. in recognition of their many valuable contributions to the community and for recognizing the beauty and potential of the City of Miami Springs.

4. Open Forum:

Ecology Board

Dr. Mel Johnson of 109 South Royal Poinciana Boulevard asked why two Council members have had open seats on the Ecology Board for more than two years. He is sure that there are qualified people to fill the positions and that Council might not be interested or concerned. It seems to him that with the current “green” movement and the drought that water conservation should be something that Council is interested in.

Response to Questions

Dr. Johnson stated that he appeared before Council approximately six weeks ago to ask five or six questions and he was assured at the time that the Administration would respond. He came to City Hall twice to follow up in an attempt to get some answers and has not been successful. He would like to know how long it usually takes to get a response.

Gymnasium

Dr. Johnson reported that he had several petitions with more than one hundred names of people who are not in favor of the new gymnasium and would like Council to restore or refurbish the existing gymnasium. There are plans to continue circulating the petitions and he is asking for Council’s consideration to let the people vote on the issue.

Swale Ordinance

Eugenio Escanaverino of 140 North Royal Poinciana Boulevard thanked Council and the Administration for their support of the current swale ordinance, which he also supports 100% because his family used to park across the street from their home and almost experienced a tragedy when his wife was crossing the street with their kids. He added that his mother-in-law’s car was struck.

5. Approval of Council Minutes:

5A) 05/21/2008 – Workshop Meeting

Minutes of the May 21, 2008 Workshop Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 05/20/2008 – Education Advisory Board – Minutes

Minutes of the May 20, 2008 Education Advisory Board meeting were received for information without comment.

6B) 05/27//2008 – Ecology Board – Minutes

Minutes of the May 27, 2008 Ecology Board meeting were received for information without comment.

6C) 06/02/2008 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the June 2, 2008 Zoning and Planning Board meeting was received for information without comment.

6D) 06/10/2008 – Code Enforcement Board – Rescheduling Notice

Rescheduling Notice of the June 10, 2008 Code Enforcement Board meeting was received for information without comment.

6E) 06/12/2008 – Board of Parks & Parkways – Cancellation Notice

Cancellation Notice of the June 12, 2008 Board of Parks and Parkways meeting was received for information without comment.

6F) 06/02/2008 – Board of Adjustment – Approval of Actions Taken at their Meeting of June 2, 2008 Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of June 2, 2008 were approved, subject to the 10-day appeal period.

Councilman Dotson moved to approve the minutes. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for May 2008 in the Amount of \$10,989.00

There was no discussion regarding this item.

Councilman Best moved the item. Vice Mayor Garcia seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Vice Mayor Garcia **re-appointed** Irene Priess to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2011.

Mayor Bain **re-appointed** Kathy Fleischman to the Architectural Review Board for her own unexpired term ending on October 31, 2008.

Vice Mayor Garcia stated that he had asked about the possibility of combining the Ecology Board and the Board of Parks and Parkways. He requested an agenda item for the next meeting to discuss the various options.

9B) Consideration of Financing Options for the New Community Center

City Manager Borgmann stated that there had been discussions about how different types of loans would be paid for without pledging ad valorem taxes. The City Attorney distributed information on municipal borrowing methods and it would be appropriate for him to review it first.

City Attorney Seiden said that the information was an attempt to answer some of the questions that were raised at the Workshop Meeting. He said that paragraph one paraphrases Florida Statute 166.11 that permits municipalities to borrow funds in various methods. Also attached is a definition section of Florida Statute 166.101 that identifies different types of bonds that could be utilized by municipal government in financing projects.

Attorney Seiden stated that he went to a basic source of information, the Encyclopedia Black Law, and after reading the material Council should have a good understanding that, generally speaking, if there is a pledge or collection of ad valorem taxes for repayment, a vote of the people would be required. There are other forms of borrowing and even though they may affect ad valorem revenue, it is not something that would require an election. There is no constitutional requirement of approval by the electorate where the taxing power of the political subdivision is not pledged. It is not the word “bond” that implies or requires the submission of the “debt instrument” to the electorate, but the security pledged for the instrument’s repayment.

Attorney Seiden explained that constitutional and statutory provisions imposing the requirement of an election as a prerequisite to the issuance of bonds are not applicable to the issuance of instruments or obligations payable only from a special fund, such as tax anticipation warrants or notes payable from non-ad valorem sources. The rule that a bond referendum is not necessary to approve obligations payable from the revenue of the project financed is not restricted to the situation where the securities are payable solely from the revenues of the project itself. It is also applicable where certain other sources of payment are pledged in addition to the revenue of the project as long as the ad valorem taxing power of the unit cannot ultimately be called on to service or retire the bonds.

Attorney Seiden stated that a revenue bond is something that is strictly supported by the revenues of the particular project. A pledge of revenues of other utilities, fees or licenses, or a restricted tax that is not an ad valorem one, such as a utilities tax or cigarette tax, in addition to the revenue from the project financed, does not require a referendum.

Attorney Seiden referred to the exhibit regarding the Florida Municipal Loan Council explaining the type of bond, which is not a general debt, liability or obligation of the issuer. The issuer is not the municipality. He noted that the proceeds are received from the issuer, Florida Municipal Loan Council and the issuance of the bonds is on an organization level, not the City level.

Councilman Dotson stated that he appreciated the information provided by the City Attorney and he would like more time to review and consider it. He understands that everything is in accordance with State law, but the City is operated by the Miami Springs Charter. He asked if the City Charter would permit some of the alternatives for financing.

City Attorney Seiden responded that the Charter is very specific and a general obligation situation that pledges the ad valorem tax of the City clearly requires a vote of the electorate. The revenue provision basically says they are obligations payable from the earnings of a project like the current bond series for the water and sewer. The Statutes and the Constitution generally refer to any type of borrowing by a municipality as a “bond”, but they are not really bonds. If a municipality can borrow from a private source there is nothing improper; the only concern is what is pledged as security. He explained that this must be dealt with when there are firm proposals.

Councilman Youngs stated that it would be helpful to have a copy of Florida Statute 166.11 and the page from the Miami Springs Charter.

City Manager Borgmann stated that utility and franchise taxes, revenue sharing and the half-cent sales tax are the three significant sources of revenue that are non-ad valorem. The General Fund Revenue Comparison chart goes back to Fiscal Year 2001-2002 and breaks down these items on a yearly basis. He explained that there is an upward trend with combined utility and franchise taxes in 2001-2002 totaling \$2.2 million and in Fiscal Year ending September 2007 the revenue totaled almost \$2.6 million. This year \$2.4 million was budgeted and \$1.35 million has been received to date.

City Manager Borgmann stated that Revenue Sharing started at \$180,000 and last year the amount increased to \$323,000. This year \$304,000 was budgeted and to date \$204,776 has been collected. The half-cent sales tax increased from \$800,000 to \$919,000 last year and \$943,000 was budgeted this year with collections currently totaling almost \$522,000.

Finance Director Robinson reported that the unreserved fund balance should be approximately \$600,000 for Fiscal Year 2002-2003, \$2.7 million for 2003-2004, \$2.5 million for 2004-2005, \$3.4 million for 2005-2006 and \$4.95 million for 2006-2007. No funds were designated in 2002-2003 and the fund balance was \$600,000. Council designated \$1.5 million in 2003-2004, \$1.3 million in 2004-2005, \$1.4 million in 2005-2006 and the proposal would bring the designated fund balance up to \$2.98 million for 2006-2007.

Councilman Youngs asked for a breakdown of the \$2.98 million.

Finance Director Robinson clarified that the City Manager is recommending \$1,060,000 for the gymnasium/recreation building, \$427,000 for the Senior Center, \$1 million for the hurricane contingency fund and \$500,000 for the Golf Course irrigation system.

City Manager Borgmann explained that the numbers presented combine what has already been designated plus the Administration's recommendation for allocations from the undesignated funds from Fiscal Year 2006-2007.

To answer Councilman Dotson's question, Mr. Robinson explained that Council approved \$1,449,000 last year. The surplus would be \$1,877,157, which is more than 15% of budgeted expenditures.

Councilman Youngs commented that it is important to note that the unreserved fund balance had increased from \$600,000 up to \$4,950,000, which is a tremendous accomplishment. Other cities of similar size had larger reserves; however, there is a dramatic difference in spite of the hurricanes in recent years. He felt that the City is in good financial condition to have the reserve funds.

To answer the Mayor's question, City Manager Borgmann stated that the Administration is proposing to allocate \$500,000 from the General Fund balance for the gymnasium/recreation building, plus the \$560,000 that was previously designated, which totals \$1,060,000.

City Manager Borgmann added that \$250,000 was designated for the Senior Center building and the Administration is proposing to designate another \$127,000, as well as \$500,000 for the Hurricane contingency and \$500,000 for the Golf Course irrigation system.

Councilman Dotson would like to keep in mind that 2005-2006 and 2006-2007 were the plush years when the valuation increased 17.2% and 11.07% respectively, while subsequent annual figures will be dramatically less. He felt that it will not be easy in the next few years to be able to add to the surplus that is needed to protect the City in an emergency situation. After this year's budget process there should be more insight into what problems will arise and the options at hand.

Finance Director Robinson stated that over the last five years the Golf Course losses totaled more than \$3 million, and for Fiscal Year 2007-2008, there is a positive budget of approximately \$11,000, so the Golf Course will break even. In addition, the enterprise funds had drained the General Fund over the last five years for more than \$4 million, which was mainly for water and sewer. There will be positive changes going forward that should affect the overall bottom line of the General Fund.

To answer Councilman Youngs' question, Mr. Robinson clarified that the \$4 million transfer from the General Fund to the Enterprise funds included the Fiscal Year 2002-2003 transfer for the Golf Course.

Councilman Dotson added that the increase in the sanitation rates helped to offset the losses of the Sanitation Fund. The Golf Course loss was approximately \$700,000 in Fiscal Year 2005-2006 or it would have been an even better year with the increase in valuation.

Mayor Bain credited the Administration and Council for managing the budget and staying within the means by making proper decisions.

Councilman Youngs stated that he appreciates the fact that during the years when there was an increase in valuation that Council had reduced the millage rate, which is a sign of fiscal restraint.

To answer the Mayor's question, City Manager Borgmann stated that Council could make a decision on the proposed designations, which would determine how much the City would have to borrow for the new community center.

Mayor Bain mentioned that a group of young people had expressed their desire for a skate board park and Council said that they would see if there was an opportunity to help them. It might be possible to build the skate board park at the existing tennis court location and the City could put out a Request for Proposals for new tennis courts at the Golf Course. The Mayor added that it might be possible to apply for grants for the tennis courts based on his discussions with some people a few years ago who were willing to help.

Vice Mayor Garcia commented that a skate park would provide an activity for the teens and pre-teens. A lot is already being done for the younger children and adults in the community. He would agree with the Mayor that it is a good idea for the skate park and there are other areas with vacant space that could be considered as well.

To answer Vice Mayor Garcia's question, City Manager Borgmann stated that the cost of the skate park would depend on the size and equipment and utilizing the existing tennis courts would save money on fencing and lighting. Another consideration would be to include a couple of basketball courts in conjunction with the skate park and there are existing bathroom facilities and parking. The real question is how much it would cost for the new tennis courts.

Councilman Dotson said that he would be in favor of a skate board park at Stafford Park instead of having to disturb the tennis players and subsequently consideration could be given to new tennis courts at the Golf Course. He added that there are new restrooms at Stafford Park and he sees no reason to tear up the tennis courts.

Assistant City Manager Gorland commented that three companies had visited the City to look at different areas for the possibility of building a skate park. The recommendation was Stafford Park, although each one said that it could work at Rio Vista Park, but the closest restroom facility would be at Dove Avenue Park.

City Manager Borgmann added that the only area available at Stafford Park has the lowest elevation, which could flood during certain times of the year. The hours for the skate park would be the same as the other activities at Stafford Park or else there would have to be available Staff to monitor the restrooms to protect them from vandalism.

Vice Mayor Garcia would like to designate funds for a skate park and later determine the location.

Finance Director Robinson added that there is still \$89,000 available for designation and this would still reserve 15% of the budgeted expenditures.

Councilman Youngs commented that the important issue related to this agenda item is financing for the new community center. The critical point is that financing for 120 months would mean the annual debt service is \$305,000 per year. Looking at the budget figure for next year there is a good perspective of how this additional amount could be funded. He explained that a 240-month term would reduce the annual charge to \$189,000 and 360-months would be \$156,000 per year. The only downfall is that the total interest expense goes up for the longer term and 360-months would mean approximately \$2,194,000 of interest on top of a \$2.5 million loan, which might not be wise.

Councilman Youngs felt that the entire point of setting aside reserves was to fund a new community center without having to borrow funds. It would be nice to fund the community center without borrowing, but this might not be feasible due to the condition of the existing facility. The annual debt service for 120 months might be possible depending on what happens during the preparation of the annual budget.

To answer Councilman Best's question, the Finance Director confirmed that the interest rates were still firm.

Mayor Bain asked if Council could give direction to the Administration to secure financing for a specific term.

Attorney Seiden stated that Council was presented with parameters and the Administration could obtain proposals that would be evaluated further.

City Manager Borgmann said that 10-years would be 120 months, 20 years is 240 months and he would definitely not recommend 360 months.

Councilman Best felt that 20-years would be the preferable choice.

Finance Director Robinson added that he would strive for a loan with no prepayment penalty so that a 20-year term could be paid in 10-years.

Councilman Dotson stated that he would like proposals on a 20-year bond or loan. He would like to see a bond proposal and a vote of the people.

City Manager Borgmann clarified that a bond would either be a revenue bond or a non-taxable general obligation bond.

City Attorney Seiden quoted the following from the definition in Florida Statute Section 166.101:

"The term 'bond' includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character."

Attorney Seiden said that the confusing part is that the Constitution and the Statutes refer to any municipal borrowing as a "bond". Considering the Charter and the definitions, the City could not do a revenue bond. This leaves two types of bonding, which is a general obligation bond that the citizens would vote on, and the other "bond" would be financing from a bank or institution that would not require an election.

By **consensus**, Council directed the Administration to look into various options for a 20-year fixed loan.

Owen Gay of 81 Morningside Drive gave credit to Councilmen Dotson and Youngs for making constructive comments on their desire to properly review the restoration option. He said that Council is considering financing while there is another option that does not require a loan. People are entitled to their priorities and their opinions either for a new or restored facility.

Mr. Gay was of the opinion that inaccurate statements had been made about the restoration option and that for approximately \$3 million the gym could be restored.

Mr. Gay felt that it is a disservice to the community for Council not to provide the due diligence of presenting the true potential of the affordable restoration option. He added that Council voted unanimously to hire an engineer for \$17,000 to determine the feasibility of restoration. Engineer Pistorino provided a report indicating the potential for restoration only to have a majority vote of Council to shelve the report.

Mr. Gay questioned the design of the new complex and the operational expenses that will be incurred. Many in the community cannot afford the additional expense under the current financial circumstances, and 72% of Miami Springs' residents voted in favor of the legislative tax cut.

Mr. Gay concluded by saying that Section 9.06 of the City Charter states that the City shall not issue general obligation bonds to pay for such a project unless approved by a vote of the people and a bank loan would also affect the disposition of the ad valorem taxes. He urged Council to put the issue to a vote of the people.

9C) Discussion of Updated Fund Balance Designations

City Manager Borgmann stated that it would be appropriate for Council to consider updating the fund balance designations.

Mayor Bain asked if Council wanted to consider the option for moving the tennis courts and installing the skate board park or if they would be in favor of the proposed fund balance designations.

Councilman Best explained that there is no information available about the feasibility of relocating the tennis courts to the Golf Course, although it might be a good idea. He suggested that the Administration could come back with some numbers for consideration. The advantage of the tennis court location is that money would be saved on the foundation and it would be centrally located. He felt that the Tennis Program is beginning to expand and it would be a shame to let it die.

Councilman Dotson stated that it is important to recognize that budget preparation is underway and he would like to get more numbers before making the proposed designations.

City Manager Borgmann recommended that Council should take action on the \$500,000 proposed for the community center because it would determine the amount of financing, which would be \$2.5 million.

Councilman Youngs moved to approve the designation of \$500,000 for the Community Center. Vice Mayor Garcia seconded the motion.

Councilman Dotson stated that he did not feel it would be wise to approve the designation until more budget numbers are available. He said that \$500,000 is a significant amount that would affect the emergency surplus and contingency funds. He would recommend waiting until August.

Councilman Dotson added that there were additional expenses not provided by the contract for the new community center, including new scoreboards and the cost for project management. He asked how much is estimated for these expenses.

City Manager Borgmann responded that the estimate for the project management was approximately \$100,000.

Councilman Dotson felt that there should be some contingency allocated for the design-build project because engineer Pistorino had indicated 10% for the restoration option and a new facility would cost twice the amount. He worries about the possibility of change orders.

Councilman Best stated that it would make sense to finance the project now to get a favorable interest rate.

Councilman Youngs said that it would be a good suggestion to plan for a contingency amount. The purpose of designating \$500,000 is only to provide a number to begin working with. The motion is to designate this amount, but Council could adjust the amount during the budget process.

Councilman Dotson commented that there would be approximately \$1 million less than two years ago, which is a considerable reduction. He added that the millage rate dropped from 7.9 to 7.5 and the mandatory decrease lowered it to 6.3, which is low for the services the City provides. He also feels that the surplus amount should be higher.

The motion carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.

9D) Presentation Regarding Cost and a Plan for the Creation of a Skateboard Park Close to the Dog Park

Assistant City Manager Gorland stated that the recommendation for the size of the skate park is 10,000 square feet, which must be determined before considering the pad location. All the equipment might not be purchased initially, until the pad is finished. Staff has met with a number of skate park providers and there is a preference for the Stafford Park area with existing lighting, new restroom facilities and because it is an established park area with a variety of activities. The downside is the elevation since the area floods and the pad would have to be built above the water level due to the value of the equipment.

Assistant City Manager Gorland said that he received an estimate of \$50,000 for the pad specific to Stafford Park.

Councilman Best asked if building up the elevation for the skate park area in the southeast corner could displace the water onto the baseball diamonds.

City Manager Borgmann stated that he was not sure, but had thought about whether or not it would change the flow of the water. The restroom elevation is so high because the wooden bollards were under water during the floods of 1991, 1999 and 2000.

Assistant City Manager Gorland commented that an engineering study might be recommended in order to make sure the location could handle the water.

Councilman Youngs stated that it would be beneficial for the City to purchase Stafford Park from the School Board at some point in order to guarantee the continued use of the land for recreation. He said that if the Miami-Dade County School Board is desperate for funds there could be a window of opportunity to purchase the land.

Mayor Bain recommended tabling a decision until considering the location and pricing for the project. He would like to investigate a proposal for new tennis courts on the Golf Course, which would help him make a decision on the location of the skate park. He reiterated that it would make sense to use the existing slab and fencing at the tennis location for the skate park and to look into relocating the tennis courts to the Golf Course.

Councilman Best commented that there is now more activity and participation at the existing tennis courts, which should be considered.

Mayor Bain said that a new tennis facility might be good due to the recent success of the tennis program.

Councilman Dotson suggested conducting another poll of the residents in regard to the tennis facilities.

Councilman Youngs asked about the cost of the additional liability insurance associated with the skate park.

City Manager Borgmann responded that there had been past concerns about the liability associated with skate parks, but now they are not treated differently than any other recreational facility at this point. The participants assume some responsibility for injury.

Councilman Youngs suggested checking with the Florida League of Cities to determine if the liability insurance premiums would change by adding a 10,000 square foot skate park.

9E) Request to Set Executive Session by City Attorney for BFI Waste Services of North

America, d/b/a Allied Waste vs. City of Miami Springs

City Attorney Jan K. Seiden gave notice to Council, the public and citizens that during the June 23, 2008 Council meeting, he would like to recess the meeting to conduct an Executive Session with Council in private, pursuant to the exception in Florida Statute Section 286.011 (8) to discuss pending litigation. He will request advice and suggestions from Council on matters that will be brought to them in relation to a lawsuit that is pending against the City, which is BFI vs. the City of Miami Springs.

City Attorney Seiden stated that a court reporter would be present and Council would meet in the conference room with the City Manager, Assistant City Manager and Risk Manager Loretta Boucher to review the case, discuss strategy and the position of the City. This is being done now in order to be able to give advance notice that the meeting will be called and the session should take 45-minutes to an hour to discuss a few issues.

City Attorney Seiden explained that the court reporter would take and transcribe the notes that will be filed with the City Clerk in a sealed envelope that will remain sealed until the case is finalized and the appeal time has expired. The session must be called to order at an open meeting at which time persons chairing the meeting shall announce the commencement of the estimated length of the attorney/client session and the names of the persons attending and that the meeting is recessed. The agenda will say that the meeting would take place at 7:00 p.m., but it will actually take place shortly thereafter.

10. New Business:

10A) Recommendation that Council Approve a One-year Extension of City Bid No. 06-05/06 Originally Awarded on July 1, 2006 for Congregate and Home Delivered Meals for the Senior Center with Greater Miami Caterers

City Manager Borgmann stated that this item is a recommendation that Council approve a one-year extension of City bid # 06-05/06, originally awarded on July 1, 2006 for congregate and home delivered meals for the Senior Center with Greater Miami Caterers.

City Manager Borgmann said that basically this is a contract that is approved every year and Greater Miami Caterers is almost a sole-source provider for the meals and the quality, quantity and price of the food is unbeatable.

Councilman Best commented that the funding for the nationwide "Meals on Wheels" program is in jeopardy due to the price of fuel and the meal program is certainly a luxury.

City Manager Borgmann explained that the unit cost for the congregate meals is going up \$.122 to

\$2.67, the home delivered meals are increasing by \$.156 to \$3.41, and the home delivered weekend meals are increasing \$.143 to \$3.13.

Councilman Dotson commented that Elderly Services Director Karen Rosson had done an excellent job and it is a wise decision to continue with Greater Miami Caterers.

Mayor Bain stated that he would crown the King and Queen of the Senior Center on Tuesday, June 10th for the fifth consecutive year. He added that it is a lot of fun and the seniors have a good time.

Councilman Best moved the item and Vice Mayor Garcia seconded the motion.

To answer Councilman Garcia's question, Ms. Rosson explained that there are currently eight people on the waiting list for the home delivered meals. She stated that the contract would be renewed for one more year and since the increase was anticipated, funds were included in the current budget. She said that hopefully Council would increase the budget amount next year in order to be able to help those who are on the waiting list.

The motion carried unanimously on roll call vote.

(Mayor Bain called for a five-minute recess)

10B) Consideration of Conversion of Current Contract with TelVue Virtual Television Networks (TVTN)

City Manager Borgmann stated that TVTN is the company that generates all the programming on Channel 77 in addition to the Council meetings. The City can generate the bulletin board easily within five minutes of receiving the information.

City Manager Borgmann explained that when the system was sold to the City there were certain costs involved totaling approximately \$500 to \$600 per month that TVTN thought would be covered through local business sponsorships. Since they have not been able to sell sponsorships, they are coming back to the City asking for support.

City Manager Borgmann feels that the system is very good and helps disseminate timely information, and if this is something that Council would like to continue, funds would be included in next year's budget. He would obtain a full contract, including all terms and conditions and the associated costs.

Councilman Youngs asked if there were other alternatives and what could be lost if the City does not continue with TVTN.

City Manager Borgmann explained that the City would lose instant access to making changes on the

bulletin board through the computer. The old system was archaic technology and when a mistake was made it would erase all the information and it did not have graphic capability. There were two boxes that were traded between the City and the cable company and it took two or three days to update the information. The new system can provide information within five minutes.

City Manager Borgmann stated that the City could try to find sponsors, but would take on the burden of guarantying the monthly payment.

Councilman Dotson said that communication is very important and he would like to continue with this operation. He asked if there might be any grants available for this program.

City Manager Borgmann agreed that Carol Foster could certainly look into available grants.

Councilman Youngs asked about the feedback on the reverse 911 calling to notify residents of the Special Meeting on the Water and Sewer transfer. He said that people told him they received the call and it was nice to see that it worked to some extent, but he would like to know to what extent.

City Manager Borgmann responded that many people attended the meeting but he has no idea how many were driven to attend by the reverse 911 calls.

Councilman Youngs stated that the reverse 911 calling is an available tool in case of a hurricane or storm.

Vice Mayor Garcia requested an update on the reverse 911 calling system and how it is working.

10C) Discussion Regarding Swale Parking Ordinance

Isaac Rodriguez of 1241 Falcon Avenue stated that the swale ordinance had empowered the wrong people to act inappropriately and bully the average citizen with control over public property. He said that the Police have been to his home on various occasions when guests are visiting him and vehicles park across the swale property line.

Mr. Rodriguez said that the swale is defined as a dedicated right-of-way area, however, due to the ordinance, the swale is no longer a dedicated right-of-way area and essentially privatizes public land. Private use of public land must have some benefit to the general community, and in his opinion, the fact that a citizen does not want to share the swale with other citizens does not justify the use of public land for private purposes.

Mr. Rodriguez added that the privatization and creation of inverse condemnation of such a large amount of land by the City is a violation of the civil rights of the citizens of Miami Springs. He believes the ordinance could be successfully challenged in a court of law. He urged Council to do the right thing and correct the injustice.

Mr. Rodriguez presented petitions signed by seventy-six residents stating that the swale ordinance, as previously amended by Council, is inappropriate and must be repealed or modified so that it is fair to all citizens of the City of Miami Springs.

Tim Hawks of 549 Payne Drive stated that he initially worked with Council to amend the swale ordinance and it is hard for the Police Department to enforce because of the way it is written. He does not want anyone parking in front of his house without his permission.

Giselle Thompson of 173 Navarre Drive supports the current swale ordinance and she would also like to make it stronger. She lives behind Fair Havens, which creates a lot of traffic and cars park in her swale even though there is sufficient parking on the nursing home property. She agrees that the swale is public land, but as a citizen she must pay to maintain that land.

Joseph and Nancy Castillo of 1251 Falcon Avenue read a letter that was sent to Council reiterating the importance of the swale ordinance that took effect on February 1, 2007. Mrs. Castillo stated that the ordinance is needed in order to communicate that one cannot indiscriminately park without consideration of the homeowner's needs and rights. The ordinance encourages property owners to maintain the swale, which is a cost savings to the City overall, and it also provides law enforcement an additional weapon in fighting crime, as property owners can easily identify cars that do not belong in the neighborhood.

Mrs. Castillo explained that they had called either Code Compliance or the Police Department because various cars had parked in their swale without consent and unauthorized cars continue to park in the swale. She presented photographs illustrating each occasion on which they had called to report the violations. In order to deter future violations, the City placed an "Unauthorized Parking Prohibited" sign in front of their home. They further request that Council codify the penalties that would apply for non-compliance with the ordinance.

Mr. Castillo stated that communication is the key and it is disrespectful if a neighbor is not willing to ask for permission to park in the swale. He is not saying he would not share the swale, but consideration is important to the quality of life in Miami Springs.

Councilman Best recalled that when Council made the changes to the swale ordinance there was discussion about the lack of diplomacy in terms of property rights. He understands the comments made by Mr. Rodriguez regarding public land, but people have rights, which is why Council addressed the ordinance in the first place.

Councilman Best stated that the City Attorney had previously mentioned that there is a fine line between city-owned property that is maintained by the property owner and who has jurisdiction over the right-of-way. He knows that Council held back on the enforcement issue because it could create a problem for the law enforcement authorities, and perhaps it should be discussed further.

City Attorney Seiden clarified that the ordinance is enforceable; there is a provision in the

supplemental ticketing system and every violation is a \$50.00 fine. The more punitive approach would be to place signs and make it a \$250.00 parking fine that would be enforced by the Police Department.

Mayor Bain asked Chief of Police Dilling to provide a report showing the number of calls related to unauthorized parking in the swale, which the Chief offered to provide. The Mayor referred to one of the photographs presented by Mr. and Mrs. Castillo showing an illegally parked car, regardless of the swale ordinance.

Chief of Police Dilling explained that a car cannot block or obstruct a driveway and cars parking in the swale must be parallel with the street.

Vice Mayor Garcia stated that looking at the photographs provided by Mr. Castillo, they clearly show that his neighbor parks his car inches into his swale, which is shared property. He has a similar problem with his neighbor.

Mr. Castillo explained that if his neighbor had a need to park in his swale there would not be an issue, but the photographs show that his neighbor has space in front of his home to park. He would gladly cooperate with his neighbor if there was a need, but there is not, and his neighbor blatantly parks in front of his home.

Mayor Bain commented that it is a matter of two neighbors living next to each other that cannot get along; it is not a matter of changing laws for two people. He felt that the ordinance was changed in the best interest of the community and neighbors should be considerate of each other's needs.

Vice Mayor Garcia referred to the Fair Havens' parking and noise issue that affects the residents in the surrounding neighborhood, which is a different issue. He said that Council is now dealing with a problem between neighbors over a piece of swale.

Giselle Thompson of 173 Navarre Drive said that the swale problem between Mr. Castillo and Mr. Rodriguez is a separate issue, but it is still a swale issue and the problem is the same.

Mr. Rodriguez continued to express his concern about his neighbor wanting control over public land. He said that Mr. Castillo calls the Police Department when he has family gatherings on holidays because a car might encroach inches into his swale, not the entire front of his home.

Councilman Youngs asked if there is a reason why cars park in the swale when there is room in the driveway.

Mr. Rodriguez responded that he sometimes likes to park in the swale under the tree, even though the driveway is vacant. He added that on special occasions when he has guests, the Police will ask him to move the vehicles.

Milagros Rodriguez of 1241 Falcon Avenue stated that her ten-year old child is frightened and cries when the Police Department comes to her house and the situation with the neighbors is very sad and the problem is very upsetting.

To answer Councilman Youngs' question, Mr. Rodriguez would like Council to adopt an ordinance that is fair for all residents in Miami Springs. He suggested that a property owner should have preferential rights to his swale, not complete control and the swale should also be shared because it is public land.

Councilman Youngs explained that the ordinance was intended to grant preferential use of the swale for the property owner and it was designed to address this type of problem. He added that if Mr. Rodriguez has a get together, that is the time when he should ask permission to park in his neighbor's swale.

Mr. Garcia of 810 Oriole Avenue stated that Mr. Rodriguez should plant a tree in his swale and that would solve his problem.

Councilman Dotson was concerned by the fact that nothing had been done to improve the situation for the people living around the schools and Fair Havens. He suggested that the City could provide decals for the cars to indicate to the Police that they are permitted to park in the swale and people without authorization would receive violations. He spoke with Mr. Rodriguez who seemed sincere about solving the problem.

Councilman Dotson agreed with Mayor Bain that the ordinance was adopted in the best interests of the residents and there was a lot of support for the ordinance and Council should not change it because of a couple of people that cannot get along with each other. He believes that people should forget about the past, treat each other with respect and work together as neighbors. He agreed that people should park on their own property if there is space, and if there is a special occasion when there is a need to park in front of someone else's home, that person should request permission.

Councilman Dotson reiterated that he would not consider changing the ordinance and neighbors should work together to make it work.

Mayor Bain recommended giving notice to Fair Havens about parking in the swale and littering in the neighborhood.

City Manager Borgmann stated that signs must be installed in order to enforce the parking restrictions around Fair Havens.

Vice Mayor Garcia emphasized that Council had requested signs for that particular area around Fair Havens and he would like to see this move forward.

Assistant City Manager Gorland said that unauthorized parking must be enforced around Fair Havens, which is a signage issue.

City Attorney Seiden explained that a meeting was held with Chief of Police Dilling, Captain Baan, Assistant City Manager Gorland and Code Compliance Manager Tex Ziadie and they took Council's direction, which was to keep as few signs as possible. One sign was installed by the school, which is an enforcement tool. The idea is to gain cooperation to reasonable discussion amongst neighbors.

Vice Mayor Garcia said that a decal would identify authorized vehicles and cars without decals would be ticketed in the neighborhood surrounding Fair Havens.

Assistant City Manager Gorland explained that there would be a problem with decals because they would all be alike and the Police would not be able to enforce cars from parking in the neighbor's swale.

Attorney Seiden commented that the decal would have to include an address.

Vice Mayor Garcia suggested scheduling an agenda item to discuss the signage and decals.

To answer Assistant City Manager Gorland's question, Chief of Police Dilling explained that the Supplemental Ticketing System is utilized by Code Compliance during normal working hours. He clarified that when the Police Department enforces the Code there is a court charge involved.

Assistant City Manager Gorland stated that the Administration would bring back their suggestions to Council.

City Manager Borgmann added that the Police try to avoid issuing tickets for a violation of a City Ordinance because there is an additional charge from the State Attorney's Office for a prosecutor to handle the case.

City Attorney Seiden stated that Code Compliance could issue the citations in most cases. If the signs do not work, then the City could enforce a \$250.00 fine.

10D) Approval of Budget Transfers Within Departments According to Section 9.04 (1) of the City Charter

City Manager Borgmann stated that all budget transfers within departments are brought to Council for approval according to Section 9.04 (1) of the City Charter.

Councilman Best moved the item. Vice Mayor Garcia seconded the motion which was carried 5-0 on roll call vote.

10E) Discussion Regarding Annexation Boundaries and Other Related Questions

City Manager Borgmann stated that information was included in the agenda packet and the City Attorney also provided a supplemental document to answer several questions regarding contiguity, zoning control and the terminal ordinance.

City Attorney Seiden said that Councilman Dotson asked him to review a law review article from the Stetson Law Review that referenced two cases in the State being the County of Volusia and Village of Wellington cases. He asked about the impact of the cases on various annexation issues.

Attorney Seiden stated that he provided the case information for Council's review and he does not feel that they would apply to the City of Miami Springs. Contiguity and the terminal ordinance are both significant issues and these cases do not really impact those issues. He explained that if there is ever an issue of contiguity from any governmental source, which there had never been, it is going to require extensive research that should be done if an issue is brought to the table.

Attorney Seiden stated that many years ago the City was contemplating hiring an annexation attorney who said that he believed there was a line of cases that basically indicate that if there is an issue of contiguity involving a municipal boundary where the only thing that keeps it from being contiguous to a boundary of an area that it would annex, would be because it is blocked or somehow exempted or excluded for annexation. This is the case with the Florida East Coast Railroad yard (FEC) because of the terminal ordinance and since the County will not consider it for annexation, this area is eliminated and it becomes contiguous.

Attorney Seiden explained that he had not researched the case, but he does not know how the annexation process could have progressed to this point without the issue being raised by the County or the other municipalities.

Mayor Bain asked why contiguity would be an issue if annexation becomes favorable for Miami Springs and the County and other municipalities come to an agreement. He would like to keep all options for annexation open until it is determined whether or not annexation is good for Miami Springs. He would like to approach the County for answers to the questions and hold a Special Meeting to be able to reach an agreement.

Councilman Youngs said that in real estate law there are different definitions for contiguity; one includes physically touching. The County of Volusia versus the City of Deltona case provides that property may be annexed when it is contiguous. The Statute further states that a property is contiguous when "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality."

Councilman Youngs added that contiguity may be established when there is a public utility or railway that is skipped over, but as far as the City is concerned, there is a physical touching of the boundaries, which means there is not a problem with regard to contiguity as long as Miami Springs annexes the land at the top part of Area 6. In his opinion, Virginia Gardens would have a contiguity problem. His suggestion would be to ask the County Attorney for a legal opinion with respect to contiguity since the applications are pending with the County.

Councilman Dotson stated that there is no question that the County Charter permits annexation of the land, but the Miami Springs Charter said that the City can only annex contiguous land and this raises the question about Area "C". He said that if FEC develops the land, which has been reported, this will separate Miami Springs on the east and west by the land in between. It is important for Council to reach a consensus and work with the County so that if the land is developed it would become part of Miami Springs and no longer be considered a terminal.

Councilman Dotson felt that it is important to the future of the City not to be separated by some village in the middle. The County Charter states that if there are more than 250 people in an area, a vote of the people in that area approving annexation is necessary. He also pointed out that Miami Springs has a higher tax rate than the little village would have and the answer would be very obvious that they would want to remain the same.

Councilman Dotson added that there would be no control over the area, which in his judgment is being preserved so that the railroad can have the best deal when they decide to develop the property.

To answer the Mayor's question, City Attorney Seiden clarified that whatever law applies to the County Charter, it would also apply to the City Charter. He agrees with Councilman Dotson that any annexation effort on the part of the City that would somehow exclude the FEC Rail Yard, should come with a guarantee that should the land become available for development that it should become a part of Miami Springs.

Mayor Bain would like to resolve the contiguity issue before going forward.

Attorney Seiden reiterated that he had not conducted research on contiguity but he feels confident based upon history and the fact that no other governmental entity or representative had raised an issue against Miami Springs.

City Manager Borgmann added that the City Code includes a separate definition for contiguity.

Attorney Seiden explained that the definition was included a number of years ago, but it goes back to the same issue. If there is a case law in regard to contiguity then skipping over the rail yard would apply equally to either the City or County Charter.

Mayor Bain believes that if the FEC property is no longer designated as a terminal, that it should become part of Miami Springs in the future. He reiterated that he would like Council to agree on the boundaries that are feasible for the City with the caveat that the railroad would belong to Miami Springs if it is no longer considered a terminal.

Attorney Seiden was of the opinion that the City's application would have to be amended.

Mayor Bain said that he would like to pursue the amendment to the annexation application and move forward with the boundaries being south of N. W. 36th Street, west to the Palmetto Expressway, and north to the 74th Street connector.

Councilman Youngs would not want to cloud the contiguity issue by the rail yard issue, since there is no question about contiguity. If the FEC property ceases to be a rail yard it should be available for annexation by Miami Springs alone. The only contiguity issue he sees is whether the northern boundary of the land to be annexed is the Hialeah connector or N. W. 74th Street.

Councilman Youngs explained that Medley has asked that the northern boundary be the Hialeah connector and there is not much difference in terms of the number of feet, but the issue is that Medley already provides services to that area, which is mostly used for truck storage. One of the earlier criticisms against Miami Springs annexing this area was because one would have to drive outside the City into Medley to access that area. He said it would make sense to annex as far north as the south half of N. W. 74th Street including the truck area.

Councilman Dotson said that the terminal ordinance, mitigation and contiguity are all issues that should be discussed during the Special Meeting.

Mayor Bain felt that the first question to be answered is whether or not the County is still in favor of annexation after five years, and Council should decide what land they want to annex before doing the analysis to determine if it is feasible for the City. The mitigation issue would also apply to Virginia Gardens, Medley and Doral.

Councilman Dotson mentioned that it is important for Council to discuss the critical elements to determine whether or not annexation would be successful, including mitigation because certain questions must be answered. Contiguity is important if the FEC Railroad dissolves its current operation because that land should be part of Miami Springs. Council must work to develop a strategy with the help of County Commissioner Rebeca Sosa or someone who could assist the City with its case for annexation.

Mayor Bain emphasized that mitigation and the Interlocal Agreement would come later because Council had not yet decided on the land that should be annexed.

To answer Vice Mayor Garcia's question, the City Attorney clarified that the law regarding Executive Sessions does not apply to annexation negotiations; labor negotiations and pending lawsuits are the only two exceptions.

Councilman Dotson commented that there are economic needs to consider when deciding what land should be annexed. He would like the underlying detail of what constitutes certain costs, i.e. police service.

City Manager Borgmann clarified that police service would be the largest expense and he would make sure everyone receives the Police Chief's analysis.

Councilman Dotson reiterated that the economic analysis would be a factor in determining how much of the land he would want to annex.

City Attorney Seiden commented that the issues are outlined in the City Manager's memorandum dated June 2nd and all the questions need to be answered.

Councilman Best stated that Council should discuss all the questions at a Special Meeting.

City Attorney Seiden agreed that a Special Meeting is needed in order to resolve all the issues before going forward with annexation.

City Manager Borgmann stated that the estimated impact on the UMSA budget for Section 6 shows a net loss of \$335,380, which is the cost of providing services versus the loss of revenue, but the County would maintain the franchise fees and utility taxes, which totals \$721,437. He would like to include these fees in the analysis, which would make the mitigation amount a negative number.

Councilman Dotson asked if there were any numbers for the area South of N. W. 36th Street.

City Manager Borgmann responded that there were no numbers for that area because the County did not include that area in the equation. The same applies to the area surrounding the Miami Inter-modal Center (MIC) and whether or not that land is on the table.

Mayor Bain would like the City's annexation package to include the MIC area, the land south of 36th Street and the FEC Rail yard should the terminal classification change in the future. This would show solidarity for what Council wants.

City Attorney Seiden explained that the Mayor is suggesting that Council should arrive at a reasonable proposal for the City of Miami Springs to send to the County, whether or not it is accepted by all parties involved. It is very unlikely that the MIC area would be included and including it would only "water down" the rest of the application. Council can say that they want to include the land from the Hialeah connector to N. W. 36th Street and a representation that if the FEC Rail Yard ever becomes other than a terminal location that it would be permitted to be annexed to Miami Springs.

City Attorney Seiden stated that Council must make a list of the answers to the questions to be included in the annexation proposal. He suggested that Council should be prepared to address all the issues at the Special Meeting and present a proposal that can be sent to the County in the form of an amended application.

Vice Mayor Garcia felt that Council should be realistic and listen to the City Attorney's advice about not including the MIC in the application. He said that it would be fair to give the other cities what they want and this would prevent them from going after the land that Miami Springs is interested in.

Council **scheduled** a Special Meeting for Monday, June 30, 2008 at 7:30 p.m.

City Attorney Seiden stated that Council should develop their arguments based on the City Manager's memorandum, which is very well written.

Councilman Youngs added that there are six issues, including the clarification of contiguity, the FEC Rail yard, the compromise with Medley over 74th Street versus the Hialeah expressway as the boundary, the compromise with Virginia Gardens as to the boundary to the south, the compromise with the County for Area 9 (MIC), and the impact of the zoning control over the FEC rail yard.

Councilman Dotson would also like to have a good analysis in order to be able to understand the economic impact. He believes that Council should discuss the mitigation issue in order to reach a unified decision and to set parameters as to what would be acceptable.

Councilman Dotson added that Council should discuss zoning and land use in regard to the terminal ordinance. He said that years ago the County's intention was to use the FEC property for urban infill when Joe Ruiz was Assistant County Manager.

City Attorney Seiden said that when the City annexed the Abraham Tract, there was an agreement that the property would remain commercial/industrial.

10F) Summer Employment Update

City Manager Borgmann reported that the hiring of summer employees is complete. In addition, the City has hired one new police officer, one dispatcher and two public service aids, which leaves one short in the sworn officer category. Police Officer testing will take place on Wednesday, June 11th and hopefully there will be a suitable candidate from this group.

10G) Recommendations from the Education Advisory Board:

10G1) Review and Approve the Draft Compact with Miami-Dade County School Board

City Manager Borgmann explained that the Education Advisory Board has requested that Council consider two items on an upcoming agenda and the first is to review and approve the draft Compact with the Miami-Dade County School Board. He explained that the current draft is seven or eight pages, while other cities' compacts are approximately two pages.

Councilman Rob Youngs added that he and the Education Advisory Board are recommending that Council schedule an agenda item for the June 23, 2008 Regular Meeting at which time Lisa Martinez with Miami-Dade County Public Schools will present the final draft agreement. If approved by the City Council, Miami-Dade County Public School representatives would like to hold a ceremony with City officials at the beginning of the July School Board meeting.

Council **directed** Staff to schedule this item for the June 23, 2008 Council meeting.

10G2) Approval of Education Partners of the Year 2007/2008 Awards to International House of Pancakes (IHOP) and Starbucks

City Manager Borgmann stated that the Education Advisory Board would like Council to honor IHOP and Starbucks as the 2007/2008 Education Partners of the Year.

Council **approved** the designation of IHOP and Starbucks as the 2007/2008 Education Partners of the Year.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Westward and Lenape Signs

City Manager Borgmann distributed information that had been circulating regarding the new signage at Westward Drive and Lenape. He reported that he, the Chief of Police and others would be meeting with County officials in an attempt to reverse their action. They feel the signs are totally unnecessary and even though there were accidents at that location in the last 18-months, it does not justify their action without the City's input.

Water and Sewer Agreement

City Manager Borgmann handed out a new Exhibit "J" to Council to be added in the notebook they received with the agreement for the transfer of the water and sewer systems to Miami-Dade County.

Shuttle Bus Report

City Manager Borgmann said that he would forward a copy of a report he is expecting to receive on Tuesday, June 10th on the number of riders on the Shuttle Bus riders.

State Grant

City Manager Borgmann reported that a State grant was submitted for \$10,000 in trees, with a \$5,000 match. The State notified the City that there were three times the applicants than there was funding, but the City's application was so good they would give \$15,000 instead of \$10,000, with the agreement that the trees would be planted by September 1st. The agenda for the next meeting will include a recommendation to approve a purchase order for piggy backing off another bid and there is eligible funding from sources like the Local Option Gas Tax.

12C) City Council

Good Meeting

Councilman Best stated that it was a good meeting and he was pleased with the discussion that included a couple of key issues.

University of Miami Baseball

Councilman Best congratulated Miami Springs resident Ryan Jackson for helping the University of Miami "Canes" get to the college baseball world series. He made the last out with an amazing throw to first base on a very difficult play at shortstop in the outfield.

Deer Run Traffic Calming

Councilman Dotson asked if there was any new information on the Deer Run project.

City Manager Borgmann reported that Public Works commenced work on the traffic calming project and during his discussion with Miami-Dade Traffic he mentioned the plan and they thought it was a good idea. He sketched the plan on the white board explaining that the lanes would be narrowed to 9-feet instead of eleven-feet and the speed limit would be 25mph.

Shuttle Bus Service

Vice Mayor Garcia asked about the status of the Shuttle Bus service map.

City Manager Borgmann responded that a correction was made to the map for the change at N. W. 36th Street and Le Jeune Road, but the map had not been mass produced. He would like to finish the "Name the Shuttle" contest and come back with an entire new "splash" on the bus, with the name, color changes, etc., which would be funded from the Citizens Independent Transportation Trust (CITT) funds.

Lenape and Westward Drive

Vice Mayor Garcia stated that he would not want a traffic calming circle at Lenape and Westward Drive, but he agrees that some alternative measure must be taken. He suggested rumble strips or another option because there had been many accidents at that location.

Vice Mayor Garcia moved to extend the meeting for 15 minutes. Councilman Youngs seconded the motion which carried 5-0 on voice vote.

Mayor Bain suggested that a traffic light could be installed, since there is already one at Apache and Westward.

Vice Mayor Garcia mentioned that Hammond and Westward Drive is also a dangerous intersection that is prone to accidents, as well as the stretch of Hammond Drive to Lafayette that is a runaway. He suggested that the County might help with the funding because doing nothing is not the solution.

Stafford Park Crossing Light

Vice Mayor Garcia asked for a progress report on the status of the installation of a crossing light on East Drive by Stafford Park. He would like to see it done before the next baseball or soccer season begins.

Swimming Lessons

Vice Mayor Garcia reported that the Recreation Department swimming lessons have begun, which is a wonderful service to the residents for a minimal fee. Today was his kid's first day taking lessons and it is very important to teach young kids to swim.

Fishing Tournament

Mayor Bain announced that the Miami Springs Optimist Club/Virginia Gardens fishing tournament would be held on Saturday, June 14th with a community fish fry beginning at 4:00 p.m. at Holleman's Restaurant, preceded by the Captain's meeting on Thursday, June 12th.

Public Comment

Mayor Bain stated that nobody should be afraid to comment or express their ideas on issues they feel are important and Council should always have an open mind when suggestions are made. He feels that Council is doing their best for the City by finding solutions and moving forward to implement them.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:06 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 8/11/2008.

Transcription assistance provided by S. Hitaffer